



February 7, 2023

Via ECF

Hon. Jeremiah J. McCarthy
United States District Court
Western District of New York
2 Niagara Square
Buffalo, New York 14202

**Re: McDay v. Eckert, et al.
Case No. 20-cv-233 (JLS)(JJM)**

Dear Magistrate Judge McCarthy:

On behalf of Officer Thomas White, we object to the January 19, 2023 subpoenas issued by Plaintiff seeking Officer White's personnel and OSI records from the New York State Department of Corrections and Community Supervision ("DOCCS").

Our objections to the subpoena for Officer White's records are substantively identical to the objections made by counsel for the co-defendant Maldonado. In the interests of judicial economy, we will not repeat the bases for the objections, but rather, hereby adopt and incorporate the objections and arguments set forth by the co-defendant by reference.

We understand that the New York State Department of Corrections and Community Supervision has also objected in writing to the same subpoenas. We also join in these objections.

We look forward to discussing this issue further during the conference scheduled for February 9, 2023.

Respectfully,

LIPPES MATHIAS LLP

A handwritten signature in blue ink, appearing to read 'Eric M. Soehnlein'.

Eric M. Soehnlein, Esq.

cc: All Counsel (via ECF)

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